

South Dakota Public Utilities Commission Meeting  
Tuesday, January 2, 2007, at 1:30 P.M.  
State Capitol Building, Room 468  
Pierre, South Dakota

**NOTE:** *If you wish to join this meeting by conference call, please contact the Commission at 605-773-3201 by 12:00 p.m. on January 2, 2007. Lines are limited and are given out on first come/first serve basis, subject to possible reassignment to accommodate persons who must appear in a proceeding. Ultimately, if you wish to participate in the Commission Meeting and a line is not available you may have to appear in person.*

**NOTE:** *To listen to the Commission Meeting live please go to the PUC's website [www.puc.sd.gov](http://www.puc.sd.gov) and click on the LIVE button on the home page. The Commission requests that persons who will only be listening to proceedings and not actively appearing in a case listen via the webcast to free phone lines for those who have to appear. The Commission meetings are archived on the PUC's website under the Commission Actions tab and then click on the LISTEN button on the page.*

**NOTE:** *Notice is further given to persons with disabilities that this Commission meeting is being held in a physically accessible place. If you have special needs, please notify the Commission and we will make all necessary arrangements.*

# AGENDA OF COMMISSION MEETING

## Consumer Reports

1. Status Report on Consumer Utility Inquiries and Complaints Received by the Commission.  
(Consumer Affairs: Deb Gregg)

## Complaints

1. In the Matter of the Complaints Filed Against Dish Network Regarding a Do Not Call Complaint in Dockets CT06-001 and CT06-007

CT06-001 In the Matter of the Complaint filed by James B. Terwilliger, Pierre, South Dakota, against Dish Network Regarding a Do Not Call Complaint (Staff Analyst: Deb Gregg, Staff Attorney: Kara Van Bockern)

On October 11, 2006, James Terwilliger filed a formal complaint against DISH Network. Complainant claims that he received telephone solicitation phone calls from DISH Network despite the fact his number is on the South Dakota Do Not Call list. Complainant seeks to have the Public Utilities Commission help him resolve this matter by enforcing the Do Not Call rules, including but not limited to the imposition of any fine or penalty if informal resolution cannot be reached. On December 14, 2006, Mr. Terwilliger filed a letter voluntarily withdrawing his complaint.

**CT06-007 In the Matter of the Complaint filed by Pam Lutter, Ramona, South Dakota, against Dish Network Regarding a Do Not Call Complaint. (Staff Analyst: Deb Gregg, Staff Attorney: Kara Van Bockern)**

On October 26, 2006, Pam Lutter filed a formal complaint against DISH Network. Complainant claims her residence received telephone solicitation phone calls from DISH Network despite the fact the phone number is on the South Dakota Do Not Call list. Complainant seeks to have the Public Utilities Commission help resolve this matter by enforcing the Do Not Call rules, including but not limited to the imposition of any fine or penalty if informal resolution cannot be reached. Ms. Lutter filed a letter voluntarily withdrawing her complaint on December 18, 2006.

*TODAY, shall the Commission Dismiss the Complaints and Close the Above Listed Dockets?*

**Electric**

1. **EL06-002 In the Matter of the Application by Otter Tail Power Company on Behalf of Seven Regional Utilities for a Permit to Construct 5.45 Miles of 230 kV Transmission Line, 33 Miles of 345 kV Transmission Line, the Big Stone 345 kV Substation and Modification of the Big Stone 230 kV Substation (Staff Analysts: Bob Knadle/Nathan Solem/Martin Bettmann, Staff Attorney: Karen Cremer)**

On January 17, 2006, the Commission received an application from Otter Tail Power Company on behalf of seven regional utilities (Applicants) - Otter Tail Power Company, Central Minnesota Municipal Power Agency, Great River Energy, Heartland Consumers Power District, Montana-Dakota Utilities Co., Southern Minnesota Municipal Power Agency, and Western Minnesota Municipal Power Agency (as represented by Missouri River Energy Services) for a permit to construct transmission lines and associated facilities in Grant and Deuel County in South Dakota. The applicants seek a Construction Permit designating a route and authorizing construction of three new transmission lines in South Dakota. Two lines would be constructed to 230 kV standards and would run from the Big Stone 230 kV Substation to a new Big Stone 345 kV Substation, with one 230 kV line continuing on to the Morris Substation near Morris, Minnesota, a distance of approximately 48 miles. Approximately 5.45 miles of new 230 kV line would be built in South Dakota. The third line would be constructed for future 345 kV operation but initially be operated at 230 kV and would run from the new Big Stone 345 kV Substation to the Granite Falls Substation in Granite Falls, Minnesota, a distance of approximately 90 miles, 33 miles of which are in South Dakota. In addition, modification of the existing Big Stone 230 kV Substation and existing transmission facilities and construction of a new Big Stone 345 kV Substation will also be required as part of the project. On March 13, 2006, the City of Gary filed an Application for Party Status. Party Status was granted to the City of Gary at the April 11, 2006, commission meeting. A Joint Stipulation was filed with the Commission on December 20, 2006.

*TODAY, shall the Commission Approve the Stipulation? AND, shall the Commission Approve the Construction Permit?*

2. **EL06-028 In the Matter of the Joint Request for an Electric Service Rights Exception between Lyon Rural Electric Cooperative, Inc. and Sioux Valley-Southwestern Electric Cooperative, Inc. d/b/a Sioux Valley Energy. (Staff Analysts: Brian Rounds/Martin Bettmann, Staff Attorney: Karen Cremer)**

On December 11, 2006, Sioux Valley Southwestern Electric Cooperative, Inc., doing business as Sioux Valley Energy (SVE) and Lyon Rural Electric Cooperative, Inc. (LREC) filed an Agreement for Electric

Service Territory exception to the SVE electric service territory permitting LREC to provide electric service to a new rural service in Tract 2 Grimmus Addition, in the South half of Southwest quarter of Section 35, Township 101 North, Range 48 West, in Minnehaha County, South Dakota. The consent on the part of SVE is limited to the service for Mr. Earl Grimmus and will automatically terminate upon removal or abandonment of such service. The reasons for requesting an exception to the electric service territory boundaries, allowing LREC to provide service to Earl Grimmus' property, are as follows: LREC is already providing service to Mr. Grimmus' new building from the existing service point; and SVE would need to construct over 2,000 feet of new electrical line to provide service to a new shop, when LREC has a line essentially on the property in question, thereby duplicating what already exists. SVE, LREC, and Mr. Earl Grimmus have all agreed to this territorial exception.

*TODAY, shall the Commission Grant Intervention to any Parties that have Timely Filed? AND, shall the Commission Grant the Service Rights Exception?*

### **Telecommunications**

**1. TC06-171 In the Matter of the Filing for Approval of a Qwest Local Services Platform Agreement between Qwest Corporation and Granite Telecommunications L.L.C. (Staff Attorney: Kara Van Bockern)**

On October 11, 2006, the Commission received a filing for the approval of the Qwest Local Services Platform Agreement ("QLSP") between Qwest Corporation ("Qwest") and Granite Telecommunications, LLC ("Granite"). The agreement provides for Granite's purchase from Qwest of mass market switching and shared transport elements that Granite may combine with local loops purchased from the separate interconnection agreement between Qwest and Granite. Despite Qwest's belief the QLSP agreement should not be subject to the filing obligations under Section 252 of the Telecommunications Act, Qwest filed the agreement in compliance with the Commission's Order dated October 29, 2004, in Docket TC04-144. The Commission approved the Agreement at its October 31, 2006, meeting. On December 15, 2006, Qwest filed a letter and Request for Reconsideration.

*TODAY, shall the Commission Grant the Request for Reconsideration?*

**2. TC06-192 In the Matter of the Application of Multiline Long Distance, Inc. for a Certificate of Authority to Provide Interexchange Telecommunications Services in South Dakota. (Staff Analyst: Nathan Solem, Staff Attorney: Kara Van Bockern)**

On November 20, 2006, Multiline Long Distance, Inc., Inc. filed an application seeking a Certificate of Authority to offer interexchange services including 1+ outbound dialing, 800/888 toll-free inbound dialing, directory assistance, data services and postpaid calling card services throughout South Dakota.

*TODAY, shall the Commission Grant a Certificate of Authority to Multiline Long Distance, Inc.?*

**3. In the Matter of the Filing for Approval of Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services in Dockets TC06-194 and TC06-197**

**TC06-194 In the Matter of the Filing for Approval of Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation and Midstate Telecom, Inc. (Staff Attorney: Kara Van Bockern)**

On November 30, 2006 the Commission received a filing for the approval of an Interconnection Agreement between Qwest Corporation and Midstate Telecom, Inc.

**TC06-197 In the Matter of the Filing for Approval of Terms and Conditions for Interconnection, Unbundled Network Elements, Ancillary Services and Resale of Telecommunications Services between Qwest Corporation and Crystal Communications, Inc. n/k/a HickoryTech Long Distance. (Staff Attorney: Kara Van Bockern)**

On December 7, 2006 the Commission received a filing for the approval of a wireline Interconnection Agreement between Qwest Corporation and Crystal Communications, Inc. n/k/a HickoryTech Long Distance.

*TODAY, shall the Commission Approve the Above Listed Agreements?*

4. **TC06-196 In the Matter of the Filing by Capital Telephone Company, Inc. for Approval of its Intrastate Switched Access Tariff and for an Exemption from Developing Company Specific Cost-Based Switched Access Rates (Staff Analyst: Nathan Solem, Staff Attorney: Karen Cremer)**

On December 5, 2006, Capital Telephone Company, Inc. filed a petition for approval of its switched access tariff and for waivers from: developing company specific cost-based switched access rates; use of the formula in 20:10:27:12 so that Qwest rates may be mirrored; filing cost data every three years per 20:10:27:07; and calculation of billing and collection costs per 20:10:27:13.

*TODAY, shall the Commission Approve the Intrastate Switched Access Tariff? AND, shall the Commission Grant an Exemption from Developing Company Specific Cost-Based Switched Access Rates?*

5. **TC06-198 In the Matter of the Filing by Sancom, Inc. d/b/a Mitchell Telecom for Approval of Revisions to its Intrastate Switched Access Tariff. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On December 12, 2006, Sancom, Inc. d/b/a Mitchell Telecom filed revised rate pages for its switched access services tariff. Sancom is reducing its switched access rates in order to mirror the Local Exchange Carriers Association (LECA) settlement stipulation rate of \$0.1250 per access minute that was approved by the Commission in TC06-079. Sancom filed a proposed effective date of January 1, 2007, for the rate change.

*TODAY, shall the Commission Grant Intervention to any Parties that have Timely Filed? AND, shall the Commission Approve the Revised Intrastate Switched Access Tariff?*

6. **TC06-200 In the Matter of the Filing by Sprint Communications Company L.P. for a Waiver to Obtain a New LRN Block in the Lake Preston Rate Center. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On December 18, 2006, Sprint Communications Company L.P. (Sprint) filed a request for waiver in order to obtain a new Local Routing Number (LRN) Block in the Lake Preston rate center even though Sprint currently has a LRN in service in LATA (Vermillion). "This LRN is needed so [Sprint] may port our customers to the new LRN and then descope the old LRN when all numbers have been switched. The current LRN will then be disconnected as soon as the last number is ported to the new LRN and the Industry

allows us to do it. Sprint will also be donating the NPA\_NXX block back to the Industry as soon as all ports are complete."

*TODAY, shall the Commission Grant Intervention to any Parties that have Timely Filed? AND, shall the Commission Grant the Waiver?*

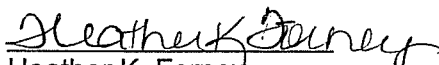
**7. TC06-202 In the Matter of the Filing by Ionex Communications North, Inc. for Approval of its Intrastate Switched Access Tariff and for an Exemption from Developing Company Specific Cost-Based Switched Access Rates. (Staff Analyst: Harlan Best, Staff Attorney: Karen Cremer)**

On December 20, 2006, Ionex Communications North, Inc. (Ionex) filed a petition requesting an exemption from developing company-specific cost-based switched access rates, a waiver of ARSD 20:10:27:12 requiring Ionex to base its switched access rates on the costs of all telecommunications companies with less than 100,000 access lines, approval of Ionex's proposed intrastate access tariff containing rates that mirror Qwest's rates, and approval of the switched access rates in the filed tariff.

*TODAY, shall the Commission Grant Intervention to any Parties that have Timely Filed? AND, shall the Commission Approve the Intrastate Switched Access Tariff? AND, shall the Commission Approve the Exemption from Developing Company Specific Cost-Based Switched Access Rates?*

**Announcements**

1. The next regularly scheduled Commission meeting will be held January 23, 2007, at 1:30 p.m. in Room 468, State Capitol Building, Pierre, SD.
2. Commission meetings are scheduled for February 13 and March 13, 2007.
3. An Ad Hoc Meeting regarding the Black Hills Power Rate Case will be held December 28, 2006, at 9:00 a.m. in Room 412, State Capitol Building, Pierre, SD.
4. The Commission offices will be closed Monday, January 1, 2007, in observance of New Years.
5. The Commission offices will be closed Monday, January 15, 2007, in observance of Martin Luther King, Jr. Day.
6. A legislative open house will be held in the Commission offices on Tuesday, January 16, 2007, from 7:30 a.m. to 11:00 a.m.



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December 22, 2006